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Elimination of all forms of religious intolerance

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report on the elimination of all forms of intolerance and of discrimination based on religion or belief prepared by Mr. Abdelfattah Amor, Special Rapporteur of the Commission on Human Rights, pursuant to General Assembly resolution 53/140 of 9 December 1998.

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Interim report on the elimination of all forms of intolerance and of discrimination based on religion or belief prepared by the Special Rapporteur of the Commission on Human Rights

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I. Introduction

1. At its forty-second session, the Commission on Human Rights decided, by resolution 1986/20 of 10 March 1986, to appoint for one year a special rapporteur to examine incidents and governmental actions in all parts of the world inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and to recommend remedial measures.

2. The mandate of the Special Rapporteur has been regularly renewed, in particular by resolution 1998/18 adopted by the Commission on Human Rights at its fifty-fourth session. Since 1988, the Special Rapporteur has presented the following reports to the Commission on Human Rights: E/CN.4/1987/35, E/CN.4/1988/45 and Add.1, E/CN.4/1989/44, E/CN.4/1990/46, E/CN.4/1991/56, E/CN.4/1992/52, E/CN.4/1993/62 and Corr.1 and Add.1, E/CN.4/1994/79, E/CN.4/1995/91 and Add.1, E/CN.4/1996/95 and Add.1 and 2, E/CN.4/1997/91 and Add.1, E/CN.4/1998/6 and Add.1 and 2, and E/CN.4/1999/58 and Add.1 and 2. Since 1994, the Special Rapporteur has also been submitting interim reports to the General Assembly (A/50/440, A/51/542 and Add.1 and 2, A/52/477 and Add.1, and A/53/279). This interim report is submitted pursuant to General Assembly resolution 53/140 of 9 December 1998.

II. Report on communications sent by the Special Rapporteur and replies received from States since the publication of the report submitted to the Commission on Human Rights at its fifty-fifth session

3. This report relates to communications sent since the publication of the report submitted to the Commission on Human Rights at its fifty-fifth session and prior to the closure of that session (8 January-30 April 1999), and to communications sent since that session (after 30 April 1999). The replies received by the Special Rapporteur are also reflected.

4. With regard to the first series of communications, the following States were contacted: Bangladesh, Bolivia, Bulgaria, China, Comoros, Democratic People's Republic of Korea, Eritrea, Greece, India, Indonesia, Iraq, Israel, Nepal, Pakistan, Peru, Republic of Korea, Russian Federation, Sri Lanka, Syrian Arab Republic, Tajikistan, Turkmenistan, Uganda, Uzbekistan and Yemen.

5. Of these 24 communications (including one urgent appeal to Iraq), sent to 24 States, for which the deadline for replying has expired, nine States have replied: Bulgaria, China, Eritrea, Greece, Iraq, Republic of Korea, Russian Federation, Syrian Arab Republic and Uzbekistan.

6. With regard to the second series of communications, 50 allegations (including one urgent appeal to the Islamic Republic of Iran) were sent to 41 States: Afghanistan, Azerbaijan, Bangladesh, Belarus, Brunei Darussalam, Bulgaria, Cape Verde, China (2), Comoros, Côte d'Ivoire, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Finland, Gabon, Georgia (2), Greece, India (2), Islamic Republic of Iran, Israel (3), Kazakhstan, Kuwait, Malaysia, Maldives, Mauritania, Mozambique, Myanmar, Nepal, Niger, Pakistan (2), Republic of Moldova, Samoa, Saudi Arabia, Syrian Arab Republic, Turkmenistan, Ukraine (2), United Arab Emirates, Uzbekistan (2), Viet Nam and Yemen.

7. Of the 38 States for which the deadline for replying has expired, Azerbaijan, Djibouti, Finland, Georgia, the Islamic Republic of Iran and Kuwait have replied.

8. In total, 65 communications (including two urgent appeals) were sent to 49 States.

9. Since the deadline for replying has not yet expired for seven communications, addressed to China, Greece, India, Israel, Kazakhstan, Uzbekistan and Viet Nam, these allegations will be summarized in the next report to the Commission on Human Rights.

10. The Special Rapporteur has also noted in this report the replies received and the absence of replies to communications sent for the Commission's fifty-fourth and fifty-fifth sessions.

11. The Special Rapporteur wishes to point out that these communications do not cover all the incidents and governmental actions in the world that are incompatible with the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. The fact that only a few States are covered in this report does not mean that other States are problem-free. Moreover, the length of a communication and/or the existence of several communications for a single State do not indicate the seriousness of the intolerance and discrimination in question. Likewise, while each communication refers to a given type of intolerance, this does not necessarily mean that other types of intolerance or discrimination do not occur in the same State. The

communications concern cases of intolerance or discrimination, but it must be borne in mind that these cases may represent either completely isolated manifestations which are exceptional or manifestations that reveal an overall situation of intolerance and discrimination. Furthermore, the situations referred to in the communications may affect freedom of religion and belief or certain dimensions of those freedoms. Sometimes they affect the whole of society or certain communities or religious minorities. Also, the communications clearly do not cover all religions and beliefs and the frequency with which certain religions and beliefs, are referred to in the communications does not indicate their general situation in the world.

A. First series of communications and replies

12. *Bangladesh.* It is alleged that, on her return to Bangladesh to be with her sick mother, there were renewed calls for the murder of the writer Taslima Nasreen by Muslim extremists, who accused her of blasphemy. The prosecution of the writer under article 295 of the Penal Code "for having deliberately and maliciously outraged the religious sentiments of a class of citizens" is said to have been resumed; likewise, an order for her arrest and the confiscation of her property is said to have been issued.

13. *Bolivia.* The right to conscientious objection on grounds of religious belief is reportedly not recognized in law and it seems that there is no provision for any alternative form of service.

14. *Bulgaria.* In December 1998, a Jehovah's Witness was allegedly imprisoned, in accordance with a judicial decision upheld by the Court of Cassation, because of his conscientious objection to military service. This sentence seems to be inconsistent with both the Constitution, which guarantees the right to perform alternative service, and a law on alternative service that was adopted in October 1998 and entered into force on 1 January 1999.

15. The Government of Bulgaria confirmed the sentences and the detention of the Jehovah's Witness in question, but stated that this person had been pardoned by the Vice-President of the Republic and released on 8 March 1999. The Special Rapporteur thanks the Government of Bulgaria for its prompt response and, while warmly welcoming the pardon, wishes to know whether this measure, which does not solve the problem of principle, was motivated by the apparent inconsistency of the detention with the Constitution and the new legislation on alternative service.

16. *China.* It is alleged that, in October and November 1998 and January 1999, in Henan province, the security services arrested members of Protestant congregations not recognized by the authorities. Since the reply by China could not be translated before the finalization of this document, it will be summarized in the next report of the Special Rapporteur.

17. *Comoros.* The right to conscientious objection on grounds of religious belief appears not to be recognized in law.

18. *Eritrea.* The right to conscientious objection on grounds of religious belief appears not to be recognized in law. The Government of Eritrea explained that, under its legislation, military service is compulsory for a period of 18 months, consisting of six months of military training and 12 months of civic activities. It stated that no exemption was provided, except in the case of persons who had fought in the national liberation war. The Special Rapporteur's comments on the Republic of Korea are also relevant with respect to Eritrea.

19. *Russian Federation.* It is reported that, since 1996, the Moscow Prosecutor of the Northern Administrative Circuit has brought charges on five occasions against the congregation of Jehovah's Witnesses in the capital. The first four cases were abandoned because of lack of evidence. In September 1998, new charges were brought under the 1997 Act on freedom of conscience and religious organizations in respect of the proselytizing activities of the Jehovah's Witnesses, which were deemed illegal on the grounds that they foster religious discord and are a threat to Russian family life. If this prosecution was successful, the registration of the Jehovah's Witnesses would be revoked and their congregation would be banned in Moscow. Since the reply by the Russian Federation could not be translated before the finalization of this document, it will be summarized in the next report of the Special Rapporteur.

20. *Greece.* It is alleged that the municipality of Galatsi, a number of its residents and the officially recognized Greek Orthodox Church are attempting to take possession of the Church of Saint Savas in Panorama Galatsiou region, which belongs to the Old Calendarist Orthodox Church, despite a judgement in the latter's favour. Furthermore, members of the Old Calendarist Orthodox Church are said to have been arrested and charged with disturbing a religious gathering of persons who were in fact using their church illegally.

21. The Government of Greece replied: "On examination of the case of the property of the Church of Saint Savas in the Panorama Galatsiou region, contested by the Orthodox Church and the Old Calendarists', the competent Greek

authorities have concluded that what seems like an act of religious extremism in the information received by the Special Rapporteur is in reality a civil law controversy, upon which the competent Courts of Justice have undertaken and, as acts liable to punishment have taken place meanwhile, the case is pending before justice".

22. *India.* Violence against Christians, notably in Gujarat, Uttar Pradesh, Bihar, Orissa, Punjab and Maharashtra states, is reportedly continuing in the form of attacks on places of worship, property, churchgoers and clergy. This situation remains unchanged despite the assurances of the country's highest authorities.

23. *Indonesia.* It is reported that, in December 1998 in Jakarta at the beginning of Ramadan, approximately one thousand Muslims attacked Catholic and Protestant places of worship as well as a Catholic school. It seems that these incidents were finally halted by the police and the army. In November 1998, sectarian clashes allegedly resulted in the deaths of 13 Christians and the destruction of churches and mosques. These events are said to have occurred in part because of religious extremism affecting the Muslim and Christian communities.

24. *Iraq.* The urgent appeal sent to Iraq concerned the assassination of Ayatollah Mohammad Sadeck al-Sadr and his two sons and the subsequent demonstrations by Shiites in the suburbs of Baghdad, and in Kerbala and Nassiriya. This appeal also drew attention to allegations of repression by the armed forces (25 persons assassinated and 250 injured in Baghdad).

25. The Government of Iraq replied that it was committed to guaranteeing the freedom of its various communities and religions and the security of their national and religious symbols, in accordance with the rights and guarantees of the Constitution and the national legislation. It added that the guaranteeing of the security of all Iraqi citizens was the responsibility of the Iraqi State and its people. It emphasized that the murder of Ayatollah Mohammad Sadeck al-Sadr was a great loss for Iraq since he had been a great imam and an authority on Islam, devoted to education, prayer, national unity and the fight against forces hostile to Iraq. In particular, he had called for a jihad against the imperialist forces that were oppressing the Iraqi people by means of an economic blockade and air strikes. It stated that those making accusations against Iraq without waiting for the results of the investigation under way were the same persons who had accused the Iraqi Government of imposing Ayatollah Mohammad Sadeck al-Sadr as a religious leader. The Government asked how its Government can be accused of the murder of this dignitary when he had condemned the allies of the United States of America and the United Kingdom of Great Britain and Northern Ireland, who, styling themselves the "Iraqi opposition", were seeking the financial support of the American Administration for the purpose of sowing discord in Iraq. The United States and its allies should be the subject of the accusations. The allegations of demonstrations and arrests were disputed. The Government stated that Arab and foreign news services that had visited the areas concerned had reported that the situation was calm and normal, and said that it would transmit the results of the investigation under way. The Special Rapporteur is awaiting with interest the outcome of this investigation.

26. *Israel.* Ultra-orthodox Jews are said to be creating a climate of intolerance in Israel. In November 1998, in Kiryat Malachi, an American couple engaged in humanitarian work with Ethiopian immigrants was allegedly attacked by young ultra-orthodox Jews who suspected them of proselytizing. In the town of Beersheba (Negev), one thousand ultra-orthodox Jews (*haredim*), acting on a rumour spread in the synagogues alleging that the Messianic Jews intended to baptize Jewish children, are reported to have laid siege to the place of worship rented by the Messianic Jews. The police apparently guarded the building in order to maintain order, but subsequently told the leaders of the congregation that they must protect the area themselves. A chief rabbi from Beersheba spoke on television and in the newspapers of his opposition to the messianic group and its activities. It would seem that this person is in fact the brother of a member of the Knesset who supported a draft law banning religious conversion (E/CN.4/1998/6). In Mea Shearim, ultra-orthodox Jews allegedly attacked the residence of three Swiss Christians, whom they accused of proselytizing. Despite the absence of any reply by Israel, the Special Rapporteur wishes to recall the responsibility of the State in the fight against intolerance and discrimination, in this instance in respect of freedom of religion.

27. *Nepal.* It is alleged that, in November 1998, in Rukum, the police executed two Christian leaders of the Taka Church, whom they suspected of belonging to the Maoist organization waging a civil war in remote areas of Nepal. It would appear that the Christian community is in fact subjected to pressure by Maoists hostile to their religious practices, by the police, who execute Christians suspected of being Maoists, and by Hindu militants of the Bharatiya Janata Party, who target Christians.

28. *Uganda.* The national legislation reportedly does not guarantee the right to conscientious objection on grounds of religious belief.

29. *Uzbekistan.* An official of the Seventh Day Adventists was reportedly arrested in November 1998 on the grounds that his congregation was not registered and that he had no pastoral qualifications. He is said to have been released after paying $1,000 and to have left the town where he was arrested. In the town of Navoi, the Seventh Day Adventists are reported to have built a church which the authorities are refusing to register.

30. In a detailed reply dealing with the case of arrest summarized above, the Government of Uzbekistan explained that the individual in question had violated the legislation on religious organizations by reason of the activities he engaged in without the Seventh Day Adventists being officially registered in the town of Karshi. It confirmed that he had been sentenced to a fine in accordance with the Code of administrative responsibility, and explained that he had left the town to return to his place of residence. It added that the Seventh Day Adventists were registered by the Justice Department in Navoi region on 13 January 1999. In that respect, the Government explained that any religious organization could be established on the initiative of at least 100 citizens aged 18 or over and permanently resident in the territory. For the coordination and supervision of religious activities, a central administrative body could be established by the Constituent Assembly of representatives of the religious organization registered, operating in at least eight territorial divisions of Uzbekistan. A religious organization acquired legal status and could carry on its activities only after being registered by the Ministry of Justice and its representatives in the province. The Special Rapporteur wishes to draw attention to the fact that regulation of the exercise of worship, while being useful and very often necessary, must not constitute an obstacle to freedom of religion.

31. *Pakistan.* In Karachi, four men were reportedly murdered by Shiites in January 1999 while at prayer in a mosque. The police are said to have arrested members of the Sipah-e-Sahaba extremist group, who reportedly denied any responsibility. In December 1998, a bomb is said to have exploded in the cathedral, injuring a worshipper. In addition, an Ahmadi was reportedly murdered by a member of an anti-Ahmadi organization.

32. *Peru.* Following an order of May 1998 amending the legislation on exemption from property tax for religious organizations recognized by the State, a number of Christian congregations, particularly Evangelist ones, reportedly ceased their activities because of the absence of financial resources needed to pay taxes. In Lima, some of these organizations are said to have filed a complaint against the municipal authorities on the grounds that the order did not apply to the Catholic church, which was contrary to the constitutional principle of equality before the law.

33. *Syrian Arab Republic.* The right to conscientious objection on grounds of religious belief is reportedly not recognized by law. The Government of the Syrian Arab Republic replied that there were no cases of conscientious objectives on grounds of religion and belief in its territory. The Special Rapporteur thanks the Government of the Syrian Arab Republic for its reply, and would like to know whether Syrian legislation guarantees conscientious objection.

34. *Republic of Korea.* The national legislation reportedly does not guarantee the right to conscientious objection on grounds of religious belief.

35. In its reply, the Government of the Republic of Korea emphasized the importance it attaches to freedom of religion and belief, while recalling its sovereign right and responsibility for defence of the territory and maintenance of public order in conformity, according to its representatives, with the provisions of article 29 of the Universal Declaration of Human Rights providing for limitations for purposes of public order and the general welfare. It explained that the unique security situation of the Korean peninsula made the maintenance of a system of compulsory and universal conscription inevitable. It added that the introduction of an alternative form of service would be difficult because public opinion was sensitive to equity in the performance of military service.

36. The Special Rapporteur, while understanding the concerns of the Government of the Republic of Korea, wishes to recall that the United Nations Commission on Human Rights, in several resolutions such as resolution 1998/77, recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in article 18 of the International Covenant on Civil and Political Rights and General Comment No. 22(48) of the Human Rights Committee. It also reminded States with a system of compulsory military service, where such a provision has not already been made, of its recommendation that they provide for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, of non-combatant or civilian character, in the public interest and of not punitive nature. Moreover, it should be pointed out pursuant to article 4 of the International Covenant on Civil and Political Rights, freedom of belief cannot be subject to limitations, on the understanding that it is distinct from the freedom to manifest a belief, which can be subject to limitations as provided for by international law.

37. *Sri Lanka*. Two Seventh Day Adventists, including a pastor and pastor's son, were reportedly arrested in 1998 and are said to have been detained since then on the basis of apparently unjustified suspicion of involvement in terrorist activities. The Special Rapporteur would like to receive the views and comments of the Government of Sri Lanka as soon as possible.

38. *Tajikistan*. The national legislation reportedly does not guarantee the right to conscientious objection on grounds of religious belief.

39. *Turkmenistan*. The President of the Central Asian Conference of Seventh Day Adventists has reportedly had books written by him confiscated. This congregation is said not to have been registered by the authorities in the town of Ashgabat.

40. *Yemen*. The right to conscientious objection on grounds of religious belief is reportedly not recognized by law.

B. Second series of communications and replies

41. *Afghanistan*. The Taliban continue to apply a system of discrimination against women based on their own interpretation of Islam. Women are subjected to total segregation within society, such as exclusion from any employment and from educational institutions. Their status as second class citizens is said to be reflected in the following prohibitions: they are not allowed to drive, they are kept separate from men in buses, they have to be accompanied by a close male relative whenever they leave the home and whenever they visit a doctor, doctors are not allowed to touch women patients, they are required to wear the *burqa*.

42. *Saudi Arabia*. The legislation, which is said to be based on religious norms, is reportedly not gender-based. Women are said to be discriminated against in the following ways: they are not allowed to drive a motor vehicle, they enter buses by an entrance separate from that for men and sit in a section different from that for men, they enjoy limited access to public facilities when men are present, they require the authorization of a close male relative for admission to hospital treatment and for travel abroad, they can study abroad only if they are accompanied by the spouse or an immediate male relative, when in public, they are required to observe the rules governing dress, in the shariah courts, testimony by a man is said to be equivalent to the testimony of two women, in divorce cases, women have to show legally specified grounds, something which is reportedly not required of men.

43. Saudi Arabia asked the Special Rapporteur to indicate "(1) the basis on which this allegation has been raised within the mandate of the Special Rapporteur on the question of religious intolerance, (2) what is the connection between the Commission on Human Rights resolution 1998/8 and the status of women in Saudi Arabia and (3) what is the relevant link which the Office of the High Commissioner for Human Rights deems appropriate between the status of women in Saudi Arabia and the term 'religious intolerance'". The Special Rapporteur informed the Government of Saudi Arabia that the Commission on Human Rights, in its resolution 1999/39 entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief", urged States to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and also including practices which violate the human rights of women and discriminate against women. It also stressed the need for the Special Rapporteur on religious intolerance to apply a gender perspective, *inter alia* through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations. In his last report to the Commission on Human Rights (E/CN.4/1999/58), the Special Rapporteur analysed the communications from the standpoint of the principles, rights and freedoms enunciated in the Declaration. This analysis included seven categories of violations, in particular violations against women. Non-discrimination for reasons of, *inter alia*, sex is also covered by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These provisions were also included in resolution 1998/18 relating to the mandate of the Special Rapporteur. Communications sent by the Special Rapporteur relating to the situation of women that are reportedly based on religious norms cover any country and any religion, and not in particular the Kingdom of Saudi Arabia. The Special Rapporteur also asked the Government of Saudi Arabia whether the allegations were correct and to give its views and observations concerning these allegations, in particular whether the alleged situation of women is based on religious norms.

44. *Azerbaijan*. The national legislation reportedly does not guarantee the right to conscientious objection on grounds of religious belief.

45. The Government of Azerbaijan replied that the State Military Commissioner had no case on record of citizens

objecting to military service on religious grounds, and that the Constitution and the legislation provided for alternative service for conscientious objectors.

46. *Bangladesh*. Despite legislation that guarantees freedom of religion and its manifestations, in fact foreign missionaries reportedly have to limit their religious activities, particularly those addressed to Muslims. Where women are concerned, the Muslim Family Ordinance reportedly places them in a disadvantageous position where divorce is concerned. In addition, despite the existence of legislation protecting women against arbitrary action where divorce is concerned, these provisions reportedly do not cover unregistered traditional marriages in rural areas. In December 1998, a decision by the Supreme Court overruling a verdict which recognized the right of a divorced Muslim wife to alimony from her former husband until she remarried or died is said to have resulted in the restoration of a law limiting the payment of alimony to only three months.

47. *Belarus*. A 1995 directive by the Cabinet of Ministers reportedly restricts the religious activities of foreign missionaries exclusively to institutions which invited them. Unregistered religious organizations are said not to be authorized to invite foreign religious personnel. Moreover, local authorities reportedly refused requests by Seventh Day Adventists to rent public buildings for religious purposes, which it is said poses a problem in that in many places no private place of worship is said to be available to them.

48. *Brunei Darussalam*. By reason of legislation apparently based on religious norms, women are reportedly victims of discrimination in many areas, including divorce, custody of children and transmission of citizenship. The Nationality Act is said to provide for transmission of citizenship solely by the father. Consequently, a Brunei Darussalam woman married to a foreigner would be unable to transmit her citizenship to her children even if they were born in Brunei Darussalam.

49. *Bulgaria*. Since 1998, the Ministry of Education has reportedly introduced an optional course on religions into the secondary school curriculum. It is alleged that this course, designed to reflect all religions, in fact pays more attention in the textbooks to the Bulgarian Orthodox Church. The Muslim community is said to have complained of the inadequate treatment accorded to Islam in the course and its textbooks.

50. *Cape Verde*. In July 1998, three Seventh Day Adventists were reportedly arrested after being accused by the police of setting fire to and stealing from Catholic churches. Despite the apparent absence of proof, two of the accused are said to be still in detention, and the third to have been released pending a trial that has been postponed several times.

51. *China*. In January 1999, the Tibetan Communist Party Propaganda in Lhasa reportedly launched a three-year campaign to promote atheism in order to undermine the influence of Buddhism and of the Dalai Lama. In Beijing in April 1999, more than 10,000 members of the Falun Gong movement are said to have demonstrated in protest against the arrest of a number of their fellow members who opposed the ban on their leader's writings. The activities of Falun Gong are also reportedly banned in a number of towns in the north-east.

52. *Cyprus*. According to various sources, the policy of intolerance and religious discrimination in the territories under the control of the Turkish army is continuing. The church of Panayia Chriseleousa in Katopia village is said to have been converted into a mosque, while the oldest church in the village has reportedly been stripped of its contents. The church of Saint Afxentios in Komi Kepir village has also reportedly been subjected to acts of vandalism, *inter alia* theft of the frescoes.

53. *Comoros*. The religious activities of Christians are said to be restricted when they are addressed to Muslims.

54. *Côte d'Ivoire*. Muslims are reportedly discriminated against in the allocation of community radio stations. Whereas the Catholic community is said to have received official approval for four radio stations, the Muslims have allegedly been deprived of them in that the authorities made it a condition that all the Muslim associations should agree to share a single radio frequency. An agreement of this kind within the Muslim community, which has a wealth of diverse associations but cannot be likened to a single, hierarchized church represented by a single official, is reportedly not possible. This situation, it is argued, prevents the establishment of Muslim radio stations. In November 1998, 60 Seventh Day Adventists were reportedly driven from their village by members of a tribe of the Harris faith.

55. *Djibouti*. The religious activities of non-Christians are reportedly confined to the private sphere by reason of the ban on public preaching, particularly among Muslims. The legislation guaranteeing the same rights to women and to men is said to be affected by religious traditions attributed to Islam. Authorization by a man is reportedly necessary for a woman wishing to travel abroad.

56. The Government of Djibouti rejected these allegations, stating that it is known as one of the most, if not the most, tolerant of all the Islamic States. It emphasized that a number of important sites in the capital are non-Muslim religious

buildings in which believers can practise their faith freely. Djibouti, it said, is characterized by the practice of tolerance and religious freedom.

57. *United Arab Emirates.* Christians are reportedly unable to undertake religious activities among Muslims.

58. *Finland.* The duration of the alternative service for conscientious objectors reportedly gives the appearance of being punitive. The Government of Finland submitted a very detailed reply recalling *inter alia* that conscientious objection was legally recognized in 1931 and that requests for conscientious objector status are approved without any inquiry. As to the amendments to the Military Service Act (in 1998) and the Civilian Service Act (in 1999) and following the reductions in the duration of certain forms of military service, the Government explained that Parliament had decided to maintain the duration of non-military service. The duration of that civilian service had been discussed in Finland. "Military service has been estimated to be more straining both physically and psychologically, the actual daily/weekly time of duty is longer, there are fewer financial benefits and freedom of movement and other aspects of personal freedom are more restricted. Furthermore, persons who complete military service are under obligation to do refresher training later. There is no equivalent to this for persons performing civilian service. Due to the different nature of the types of service, comparing is difficult. Finland will follow closely the functioning of the current system." The Finnish Government also took the initiative of addressing its position with regard to the application of the 1981 Declaration in the area of education. The Special Rapporteur wishes to thank the Government for its detailed, closely argued and balanced response and for the extremely useful information relating to education.

59. *Gabon.* Notwithstanding a satisfactory situation in the area of freedom of religion and belief, the community of Jehovah's Witnesses is reportedly subject to a government ban which, though not applied de facto, is formally maintained, weakening the community in the long term. Where women are concerned, some legislation, influenced by traditional beliefs, is said to be discriminatory, in particular the requirement for a woman wishing to travel abroad to obtain her husband's permission.

60. *Georgia.* The 1997 Alternative Service Act was apparently never applied or accompanied by the mechanisms required for its implementation. The duration of the service established by law was punitive in character. It was reported that the procedure for the restitution of religious property confiscated during the Soviet era continued to be fraught with serious difficulties. The Armenian and Catholic churches were isolated. It was reported that a famous Armenian church in Tbilisi is still closed. Despite a court decision calling for the restitution of a synagogue to the Jewish community, the building was allegedly still being used as a theatre by the occupants. Under pressure from the Georgian Orthodox Church, the authorities were making it difficult to secure a permit to build places of worship for the Protestant and Armenian orthodox communities.

61. The Government of Georgia replied that its Constitution and Penal Code guaranteed freedom of religion and belief and the Government had taken positive measures in the area of human rights. It explained, for instance, that no cases of torture or arbitrary arrest had been reported and that the authorities were doing their best to guarantee the right to manifest one's religion and belief (meetings and places of worship). It pointed out that the educational system provided an understanding of tolerance and respect for freedom of religion and belief, specifically through the study of human rights, debates and symposia. It acknowledged that there had been incidents in some parts of the country but they had been cleared up. With regard to the restitution of a synagogue, the Government explained that the occupants were demanding to be paid for their repair work, alleging that it was a study centre, that the building had been rented to a theatre company and not to the State and that the two existing Tbilisi synagogues were sufficient to accommodate the religious rites of the Jewish community. It stated, with regard to the Catholic and Armenian churches, that they had not claimed restitution of their property in a court of law. It pointed out that they had no claims against the Orthodox Church and that there was nothing to impede fulfilment of their request to build new churches provided it was in keeping with the law. Finally, it mentioned that a place of worship had been allocated to the Catholic Church in Tbilisi.

62. *India.* The Christian community was reportedly still feeling uneasy. Their uneasiness was not the result of isolated incidents, but of a resurgence of Hindu militancy and the Hindu policy with respect to minorities. In order to broaden their electoral base and thus their impact on the population, militant Hindu groups were deliberately attacking the Christian minority and its institutions in the education, health and social sectors because of their influence on the Indians, especially those who were the most disadvantaged or living in remote areas of the country. Presumably those Hindu groups were using illegal methods and were accusing the Christians of trying to convert India to their beliefs. It was alleged further that they were conducting a hate campaign against Christians through the media, pamphlets and posters. The campaign was allegedly being financed by Hindu organizations abroad. Apparently,

the authorities had not taken any definite action to remedy the situation. The chief perpetrators of the murder of Pastor Graham Staines and the rape of the nuns (see report E/CN.4/1999/58) reportedly had not been arrested and, shielded by that situation of impunity, there had been continuing attacks on Christians, such as the rape of two girls, the abduction of another and the desecration of a place of worship. The women and girls of the community seemed to have become the chief targets of the militant Hindus. Women were reportedly especially affected by discriminatory acts based on religion or religious traditions. The "personal status" laws classified women as inferior. The "status laws" that applied to Muslims apparently entitled men to unilateral divorce if they so desired, but not women. The "status laws" that applied to Christians entitled men to seek divorce on grounds of adultery whereas women had to show proof of special abuse and claim redress under certain categories of adultery only. Among Hindu women, although *sati* and the dowry were prohibited under customary law, those traditions were apparently not totally eradicated in some rural areas.

63. *Iran (Islamic Republic of)*. There was an urgent appeal about the arrest of 13 members of the Jewish community, including rabbis and religious teachers, in the cities of Shiraz and Ispahan. They were reportedly accused of spying for Israel and the United States, whereas the real reason they were arrested was that they were Jewish.

64. The Government of the Islamic Republic of Iran replied that the suspects arrested for spying included both Christians and Muslims, that the investigation and the arrest had taken place without regard for their religious beliefs and were instead a matter of safeguarding national security. A communiqué from the Jewish community was also transmitted stating that like every other religious minority, that community was well treated by the Islamic Republic of Iran and enjoyed the constitutional rights of citizenship and that the arrests and charges against certain Iranian Jews had nothing to do with their religion. Foreign press releases were also transmitted.

65. *Israel*. The Israeli Government and the military administrations were said to be pursuing a policy aimed at forcing the Christian communities out of Jerusalem. The Palestinian Christians of East Jerusalem were allegedly being stripped of their right of residence by having their identity cards confiscated and very few drivers' licences issued to them, the purpose being to raise the prices of housing and encouraging the building of illegal housing which could then be demolished. All the Christian communities of Jerusalem would lose members as a result of the policies and practices described above. Women would sometimes suffer discrimination in matters of divorce. Rabbinical courts deliberately gave preference to men, for example, by allowing a husband to remarry notwithstanding his wife's dissent or by not penalizing a husband who refused to consent to a divorce despite the sound and well-founded reasons given by the wife. Similarly, some Islamic courts reportedly denied any request for divorce from a wife but would grant it to any man notwithstanding his wife's dissent.

66. *Kuwait*. Despite some progress in advancing women's rights, women were said to be adversely affected by certain laws based on religious criteria. It was claimed that they suffered discrimination in the following respects: the consent of the husband was mandatory if the wife sought to obtain a passport; marriage between Muslim women and non-Muslim men was prohibited; and in the Islamic courts, the testimony of one man was equivalent to that of two women. Since Kuwait's reply could not be translated before this document was issued, it will be summarized in the next report of the Special Rapporteur.

67. *Malaysia*. Christians were allegedly subject to restrictions on all religious activities compared with Muslims. Despite progress in the legislation governing property and divorce, non-Muslim women reportedly suffered discrimination under the "personal status" laws.

68. *Maldives*. Protestants are reportedly forbidden to practise their religion in public because the conversion of Muslims to another religion is allegedly prohibited. The conversion of Muslims is said to be punished by loss of citizenship.

69. *Mauritania*. Protestants are said to be subjected to restrictions with regard to all religious activities concerning Muslims.

70. *Mozambique*. Despite the progress made by the Government, the restitution of property confiscated from the Catholic Church and the Muslim community in 1975 following the attainment of independence has not been completed.

71. *Myanmar*. The authorities are reportedly pursuing their policy of intolerance and discrimination against minorities: Muslims in the states of Arakan and Karen and Christians in the states of Chin and Karen. In January 1999, the activities undertaken by the Christian community of Chin to commemorate the centenary of Christianity were allegedly opposed by the military by various means, such as prohibiting the erection of a cross on Vuichip mountain, arrests of clergy and the refusal to grant visas to foreign guests.

72. *Niger*. The legal status of women is said to be unfavourable. A draft family code aimed at eradicating all discrimination with regard to the ownership of property and the custody of children in the event of divorce, as well as the practice of repudiation, was reportedly blocked by the hostility of extremist Muslim organizations. Women supporting this draft have allegedly been threatened by extremists invoking Islam.

73. *Uzbekistan*. Several Jehovah's Witnesses are said to have been arrested and fined or even imprisoned for religious activities which were illegal because their congregations had not been registered.

74. *Pakistan*. Muslim extremists are reportedly still using the blasphemy acts against the Ahmadi community. These extremists are said to have threatened the police in order to make them register their complaints about blasphemy. In Karachi, a Muslim woman who converted to Christianity was allegedly harassed by Muslim clerics and other Muslims. The woman's children are said to have been expelled from their schools because of her conversion. The police were informed of these developments but allegedly took no action.

75. The curriculum of secondary schools apparently includes mandatory Islamic instruction for Muslim students, who must take exams on the subject. Reportedly, students from non-Muslim communities are denied this opportunity with regard to their own religions. Students in non-Muslim private schools can receive religious instruction, but this is not officially recognized at the national level.

76. *Syrian Arab Republic*. The Seventh Day Adventists are said to be requesting the restitution of their religious property confiscated in 1969. They would reportedly like to be able to resume their activities in the Syrian Arab Republic.

77. *Republic of Moldova*. The legislation reportedly makes no provision for alternative service for conscientious objectors, who can allegedly be imprisoned. The authorities apparently refuse to register the Jehovah's Witnesses as a recognized religion, mainly because they object to military service. The Baptist Church, which has allegedly met with a similar refusal, is said to be forbidden to distribute its literature and to organize public meetings. The legislation apparently prohibits forced proselytism but is said to contain vague definitions. Reportedly, the local authorities, under pressure from the Orthodox Church, have refused to allow the Seventh Day Adventists to rent public buildings for religious activities.

78. The Government of the Republic of Moldova states that its Constitution guarantees freedom of conscience and worship according to the law. A law on alternative service was adopted in July 1991. It also states that the Jehovah's Witnesses and the Union of Baptist Churches were registered on 27 July 1994 and 2 May 1995 respectively.

79. *Dominican Republic*. Members of the national police must allegedly attend Catholic mass. The Catholic Church is said to be given preferential treatment by the Government, especially with regard to the granting of public funds for church expenditures and tax exemptions on imported goods.

80. *Samoa*. Despite the constitutional provisions guaranteeing freedom of religion and worship, village councils in fact sometimes engage in discriminatory behaviour, including the expulsion of people not sharing the belief prevailing in the village and the destruction of their property.

81. *Turkmenistan*. The legislation on freedom of religion and religious organizations allegedly sometimes creates serious difficulties for minorities in the areas of religion and belief. With regard to the registration procedure, the criterion of 500 members (500 citizens who are at least 18 years of age) is apparently applied locally and not at the national level. Consequently, every minority must reportedly have at least 500 members in each town where it wished to carry out its activities. Because they are not registered, the Jehovah's Witnesses are allegedly fined for holding private meetings. A Jehovah's Witness was reportedly sentenced to prison for expressing his conscientious objection to military service. Despite the legislation forbidding discrimination against women, the latter are apparently still affected by religious traditions, especially with regard to marriage. The religious authorities are said to counsel their faithful in ways detrimental to women.

82. *Ukraine*. The duration of alternative service for conscientious objectors is apparently punitive in character. Moreover, it is said that only members of officially registered religious communities whose doctrines prohibit military service can perform alternative service. Christian communities which are not indigenous to Ukraine reportedly encounter difficulties. The legislation on freedom of conscience and religion apparently states that the religious activities of foreigners must be confined strictly within the framework of the host organizations and must be approved by the authorities which registered the congregations concerned. The procedures for the registration of religious organizations originating outside Ukraine were said to be delayed by the local and regional authorities, which allegedly impedes the acquisition of property. The Seventh

Day Adventists reportedly encounter difficulties in educational institutions in the case of examinations scheduled for the sabbath. The same problem apparently arises in the workplace.

83. *Yemen*. Christian communities reportedly cannot engage in religious activities vis-à-vis Muslims. The correspondence of the clergy is apparently sometimes monitored by the authorities in order to prevent any proselytism. Women are allegedly affected by certain laws, which seem to be based on religious rules: in particular, a woman wishing to obtain a passport and travel abroad is said to need the permission of her father or husband.

C. Late replies/failure to reply to communications sent for the fifty-fifth session of the Commission on Human Rights

84. *Germany* (reply to the communication contained in document E/CN.4/1999/58 (para. 29)). The authorities confirmed that the tennis player Arnaud Boetsch had lost a contract with a private tennis club which had come under pressure from its main sponsors because of his membership in the Church of Scientology. They added: "If Boetsch's contract ... were subject to German labor law (dependent working relationship), he could have challenged the club's decision to end his contract at court. It is not known whether this was the case. In any case, such a step was not taken by A. Boetsch who, in his later correspondence with the tennis club, was represented by a lawyer."The authorities were unable to obtain any information about the Spanish musician Enrique Ugarte. With regard to the Berlin police director, the authorities confirmed that an investigation had been opened to determine whether he was a member of the Church of Scientology; in the meantime, he had not been suspended from work but had in fact been assigned to non-sensitive special duties. The inquiry having shown that he was not a member of the Church of Scientology, he had been reinstated in his previous field of work in July 1998 and had received a promotion.

85. *Bulgaria* (ibid., para. 46) provided a detailed reply concerning the cases and situations mentioned by the Special Rapporteur. The authorities confirmed that a workshop on Islam organized by citizens of Saudi Arabia in violation of the law had been discontinued at the express request of the regional mufti. According to the law on religious denominations, religious manifestations may be organized only by, or with the consent of, officially registered denominations. In this case, the office of the chief mufti had not been informed that the workshop was to be held. Moreover, the Saudi Arabian clerics had entered the country with tourist visas, which did not authorize them to carry out religious activities.

86. The expulsion of an Austrian Jehovah's Witness following an earlier sanction under the Law on Foreigners Residing in the Republic of Bulgaria was confirmed. With regard to the case of two Bessarabian Jehovah's Witnesses, it was explained that an order banning them from entering the country had been issued because their residence permits had expired and not because of their beliefs. During their appeal, the couple had been granted Bulgarian nationality and the order banning them from the country had thus been annulled. The authorities stated that the Directorate on Religious Denominations and the Chief Prosecutor's Office had not received any information concerning attacks on the Bulgarian Church of God. The Directorate had nevertheless contacted the High Priest of that church, who according to the authorities had described the incidents as insignificant. The confiscation of the religious building of the Emmanuel Bible Centre was confirmed. This case, which is linked to violations of the Law on Territorial and Urban Development, is being prosecuted in the courts. Concerning the programmes hostile to the Jehovah's Witnesses, broadcast by a local television station, the authorities stated that the programmes, which contained accusations concerning the kidnapping of children and incitation to suicide, resulted from a private investigation conducted by a journalist and that the local leaders of the Jehovah's Witnesses community had not complained about them. Nevertheless, it was stated that in order to prevent a possible negative campaign in the local media, the authorities had organized a workshop on freedom of religion and belief. In the framework of that workshop the head of the Directorate had held a meeting with the representatives of the local private television network for the purpose of putting an end to the broadcasting of such programmes. It was confirmed that demonstrations against Jehovah's Witnesses had taken place in Plovdiv. It was explained that the demonstrations had been organized by the Social Committee for Resistance against the Sects, formed by parents concerned about cases of child abuse committed by sects in other countries. It was emphasized that the demonstrations did not actually constitute a case of religious intolerance. Lastly, the authorities acknowledged that Bulgaria's human rights record, like that of other countries, was not perfect and that incidents could sometimes occur at the local level. However, it could not be said that a climate of intolerance vis-à-vis minorities prevailed in the media or in society as a whole. During the current period of transition, the Government was taking

concerted practical measures to improve national legislation and practice aimed at strengthening the guarantees concerning freedom of religion and belief. A law on alternative service for conscientious objectors had been adopted, human rights had been included in the curricula of educational institutions and a campaign had been conducted to raise public awareness with regard to those subjects.

87. *China* (ibid., para. 47) stated, with regard to the case of Yulo Dawa Tsering, that after the latter had been released on parole he had worked in the mail service at the Hotel Hada in Lhasa. He had, moreover, been denied access to the Gandan Monastery and the University of Lhasa. The case was said to fall within the jurisdiction of the internal administrations of the Monastery and the University, with which the Government was not supposed to interfere. It was emphasized that Yulo Dawa Tsering enjoyed good living conditions, benefited from all the civil rights provided by the Constitution, and was not subjected to any repressive measures by the public security services.

88. *Egypt* (ibid, para. 50). In a detailed reply, Egypt described its cooperation with the United Nations organs involved in efforts to combat terrorism in all its forms and manifestations, which is a global phenomenon jeopardizing political stability, economic development, personal development and the fundamental rights of persons. The reply recounted Egypt's efforts, consisting not only of action in the areas of the judiciary and of security but also of measures to educate and sensitize society to the principles of human rights. Mention was made of the fact that Egypt had been awarded the UNESCO Prize for Children's and Young People's Literature in the Service of Tolerance. It was explained that guidelines had been laid down by the Ministry of Public Worship to ensure that sermons reflected the principles of religious tolerance and that places of worship resumed their traditional role of places for the teaching of morality, good example and the principles of solidarity, mercy and fraternity, with the goal of positive interaction with society. In addition, several ministries were responsible for the modernization of the centres providing refresher courses, sensitization and training, in order to prepare the integration of adolescents in society and to ensure that they do not become involved in destructive situations. Lastly, it was explained that combating terrorism required a constant effort to improve the quality of life, to develop employment opportunities and to eliminate the phenomenon of economic, political and cultural marginalization.

89. *India* (ibid., para. 61). India provided a very detailed reply on incidents of violence against the Christian minority. Reference was made to Indian secularism as the foundation of the Constitution and political system, to religious, ethnic and linguistic pluralism, to the constitutional guarantees of freedom of religion and minority rights and to the existence of a National Commission on Minorities. Information was then given on incidents affecting Christians. The following cases were summarized by the Special Rapporteur. In the case of Graham Staines, it was stated that 50 suspects had been arrested and that others were being sought, that an investigation was under way and that the incident had been condemned by the President and the Prime Minister. It was recalled that, following a ministerial visit to the scene, a detailed report had been transmitted to the Government and a commission of inquiry had been appointed which was to report within a period of two months. The National Human Rights Commission was also following the case. Concerning the case of the nuns who had been raped, it was stated that Christian and Hindu suspects had been arrested and that others were being sought, and that the case concerned a criminal action by inebriated persons rather than a communal crime. Concerning the attacks against members of the Assembly of the Church of Believers during a prayer session, it was explained that they had been perpetrated by anti-social elements alleging that the organization was engaged in religious conversion. It was added that conciliation efforts had been initiated immediately, that efforts were being made to bring the culprits to justice and that the religious meetings had been able to resume. Concerning incidents between Christians and Hindus in the state of Gujarat, it was reported that these incidents had followed stone-throwing by young Christians reacting to provocative slogans chanted by Hindus participating in a rally. The authorities had made arrests and deployed security officers, and Peace Committees comprising members of all communities had been set up. Compensation had been paid for damaged property. Lastly, the Central Government has sent a mission to investigate on site.

90. *Iran (Islamic Republic of)*. Mr. Jamal Hajipour and Mansour Mihrabi were arrested on charges of spying for foreign countries and acting against national security. In conformity with due process of law, they were tried by a competent court in Birjand. The court found them guilty of charges and in accordance with articles 498, 499, 508 and 510 of the penal code sentenced them to two years' imprisonment. The verdict was confirmed by branch 8 of the Khorassan court of appeal. Later, after serving half of their term, they requested clemency and conditional release which was approved by the court of appeal of Khorassan. Consequently, Mr. Jamal Hajipur was released on 23 August 1998 and Mr. Mansur Mihrabi was released on 24 August 1998.

91. Mr. Daryoush Faez was attained on charges of active participation in an illegal institution. He was later released to parole in February 1999. Allegation of confiscation of his properties is categorically unfounded. The lawsuits against Messrs. Soheil Golkar, Enayat Mazlomi and Rezvan Ashraf were referred to the office of the Prosecutor and resulted in "writ of stay". There are no legal records for Messrs. Riaz Eighanian, Kamran Mortezaei, Hootan Kasivi, Foad Sanaei, Rezvan Tavakoli, Rabi (Zabih) Fakhr Toosi, Misaq Laqaei, Khairollah Bakhshi, Aref Aqdasi (Aqdami), Naeim Khazeei, Mafkhari and Mrs. Faranak Eiqani.

92. Messrs. Abbas Koohbour, Peyman Ghadami, Ghodratollah Rafiei, Arash Kousary and Kambiz Moradi were detained on charges of conducting illegal activities on 29 September 1998 in Kermanshah Province and were subsequently released in less than 24 hours.

93. *Malaysia* (ibid., para. 72). Malaysia stated that eight persons had been detained not for having professed Shiism as the faith of their choice but because of their activities to spread Shiism, described by Malaysia as "a sect of Islam that is deviant to the mainstream of Islam in Malaysia". It was emphasized that these activities undermined the religious harmony in Malaysia and could have led to animosity among the Malaysian Muslims professing the Sunni faith. Concerning the conversion of a Muslim woman to Christianity, it was said that no threats had been made against her or her family and that the family had not lodged any complaint.

94. *Sudan* (ibid., para. 96). The authorities stated that the Khartoum Catholic Club had been closed on purely technical grounds connected with the city development project. It was added that the authorities were ready to allocate new locations for such establishments.

95. The Special Rapporteur has still not received replies to the communications sent in connection with the report to the fifty-fifth session of the Commission on Human Rights from the following 20 States: Albania, Angola, Cyprus, Democratic People's Republic of Korea, Georgia, Ghana, India (communication concerning women), Iraq, Kazakhstan, Latvia, Mali, Mauritania, Pakistan, Republic of Moldova, Russian Federation, Spain, Sudan (communication concerning the disappearance of a convert), Turkmenistan, Ukraine and Yemen.

D. Late reply/absence of reply to the communications transmitted for the fifty-fourth session of the Commission on Human Rights

96. *Mozambique* (see E/CN.4/1998/6). Mozambique explained that a dispute had arisen concerning the organization Arco Iris Ministries, which had been organizing religious activities during class hours. Following a procedure for settlement of this matter by the authorities and the head of the centre, Arco Iris Ministries had been informed that non-compulsory religious activities could take place during non-teaching time.

97. The analysis of the communications concerning the 1981 Declaration covers the violations identified in earlier reports — violations of the principles of non-discrimination and tolerance in the areas of religion and belief, of freedom of thought, conscience and religion and belief, of freedom to express one's religion or belief, of freedom to dispose of religious property, of the right to life, physical integrity and health, and women's rights. The Special Rapporteur believes that it would even be appropriate to distinguish between threats to minorities in the area of religion and of belief. Because of the page limit for reports, the Special Rapporteur decided to make a detailed analysis within the framework of his conclusions.

III. Follow-up of the Special Rapporteur's initiatives concerning the identification of legislation and the preparation of studies on the subject of tolerance and non-discrimination based on religion and belief and the creation of a culture of tolerance

A. Legislation and studies

98. In the area of legislation, as stated in his latest report submitted to the Commission on Human Rights (E/CN.4/1999/58), the Special Rapporteur wishes to compile a compendium of national enactments relating to freedom of religion and belief. Such a collection, regularly updated and available to all in a data bank at an Internet site, would be useful, on the one hand, to intergovernmental organizations (such as UNESCO and OSCE), States and

non-governmental organizations engaged in activities with a direct or indirect link to freedom of religion or belief and, on the other hand and in particular, to the United Nations human rights bodies (Commission on Human Rights, Subcommission for the Promotion and Protection of Human Rights, treaty bodies such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, the Committee on the Elimination of Racial Discrimination) and the special procedures, such as the mandate of the Special Rapporteur on Religious Intolerance relating to his activities to examine allegations, prepare *in situ* visits and their follow-up, research, studies and advice.

99. To date a total of 49 States have replied to the Special Rapporteur's requests to provide the text of the constitutions in force or any other text equivalent to a constitution, as well as the text of legislation and regulations concerning religious freedom and public worship: Algeria, Armenia, Azerbaijan, Bangladesh, Bolivia, Cambodia, Cape Verde, Chile, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Ethiopia, Finland, former Yugoslav Republic of Macedonia, France, Indonesia, Israel, Italy, Japan, Jordan, Kuwait, Malta, Mauritius, Namibia, Pakistan, Poland, Portugal, Qatar, Republic of Korea, San Marino, Saudi Arabia, Seychelles, Slovakia, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Viet Nam and Yugoslavia. It would be highly desirable for all States to cooperate not only by sending the requested texts but also by updating the documents already transmitted.

100. As far as studies are concerned, the Special Rapporteur reiterates his recommendation that research should be conducted, within the framework of his mandate, to improve understanding of situations and complex and sensitive phenomena, on the following topics: (a) status of women with regard to religion and human rights; (b) proselytism, freedom of religion and poverty; and (c) sects, new religious movements and communities of religion and belief and human rights.

B. Culture of tolerance

101. As explained in earlier reports, as regards discrimination and intolerance based on religion or belief, and in fact as regards all violations of human rights, prevention is the top priority and urgent need. Intervention, often *ex post facto*, in cases and situations constituting violations, cannot continue without attention to the underlying causes and attempts to avert them. This concern was shared by the Commission on Human Rights which, in its resolution 1994/18, encouraged the Special Rapporteur on religious intolerance to examine the contribution that education can make to the more effective promotion of religious tolerance. This interest was reiterated each year by the General Assembly. This year, in its resolution 1999/39 on the mandate of the Special Rapporteur, the Commission encouraged States to promote and encourage — in particular through education — understanding, tolerance and respect in areas relating to freedom of religion or belief. In its resolution 1999/82 entitled "Defamation of religions", addressed in particular to the Special Rapporteur on religious intolerance, the Commission stressed "the importance of creating conditions to foster greater harmony and tolerance within and among societies and the importance of education in ensuring tolerance of and respect for religion and belief".

102. Believing that school is an essential factor in the transmission of values geared to human rights and therefore in the emergence of a culture of tolerance and non-discrimination as regards religion or belief, the Special Rapporteur initiated an inquiry in 1994, through a questionnaire addressed to States, on the problems relating to freedom of religion and belief seen through curricula and textbooks at institutions of primary or basic and secondary education. Seventy-seven States replied to this questionnaire and this should make it possible to formulate an international education strategy to combat all forms of intolerance and discrimination based on religion and belief. Because of the lack of resources allocated to this mandate, the analysis of the replies was delayed and has not been completed. For this reason, the Special Rapporteur this year formulated a plan to finalize this activity by November 2001, the anniversary of the adoption of the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief. Initially, this plan provides for completion of the study of the replies to the above-mentioned questionnaire and for the formulation of a "preliminary set of conclusions and recommendations". In a second phase, an international consultative conference would be prepared and held in November 2001 on the content of curricula and textbooks at institutions of primary or basic and secondary education relating to freedom of religion and belief. This conference will examine the results of the questionnaire and will propose an international education strategy to combat all forms of intolerance and discrimination based on religion or belief, by formulating a joint basic programme of tolerance and non-discrimination which can be transmitted to the relevant United Nations organs in the form of a

declaration. The finalization of the plan and its implementation will necessarily require the cooperation of all the intergovernmental organizations, human rights bodies in the United Nations system and nongovernmental organizations.

IV. Initiatives of the Commission on Human Rights, States and non-governmental organizations

A. Commission on Human Rights

103. This year, the Commission on Human Rights took two initiatives concerning the mandate of the Special Rapporteur: firstly, as regards the World Conference against Racism and, secondly, as regards the question of defamation of religions.

104. As regards the World Conference against Racism, paragraph 63 (c) of resolution 1999/78 entitled "Racism, racial discrimination, xenophobia and related intolerance" requests the High Commissioner for Human Rights to invite the Special Rapporteur on religious intolerance to participate actively in the preparatory process and in the World Conference by initiating studies on action to combat incitement to hatred and religious intolerance. Paragraph 7 of resolution 1999/39 entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief" invites the Special Rapporteur to contribute effectively to the preparatory process for the World Conference to be held in 2001 by forwarding to the High Commissioner his recommendations on religious intolerance which have a bearing on the World Conference". It should also be noted that resolution 1999/82 entitled "Defamation of religions" expresses concern at any role in which the print, audio-visual or electronic media or any other means is used to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam and any other religion and called upon the Special Rapporteurs on religious intolerance and on racism, racial discrimination, xenophobia and related intolerance to take into account the provisions of the resolution when reporting to the Commission on Human Rights.

105. In accordance with the resolutions summarized above, the Special Rapporteur has already recommended the following studies:

Image of religious minorities in the media

106. As explained by the Special Rapporteur, in several mission reports (Germany E/CN.4/1998/6/Add.2; United States of America E/CN.4/1999/58/Add.1), the media, and in particular the popular press, all too often portrays matters relating to religion and belief in particular religious minorities, in a grotesque, not to say totally distorted and harmful light. The Special Rapporteur has recommended starting a campaign to develop awareness among the media on the need to publish information that respects the principles of tolerance and non-discrimination. These measures would also make it possible to educate and shape public opinion in accordance with these principles. The study would therefore identify the role of the media in hatred and religious intolerance vis-à-vis religious minorities, their responsibilities and would recommend preventive measures, including action to be taken under the Office of the High Commissioner for Human Rights advisory services programme.

Intolerance against ethno-religious communities: identification and measures

107. The study would identify main factors of intolerance against ethno-religious communities, its manifestations and would recommend measures to combat and prevent them.

108. The Special Rapporteur is also encouraging research on ways in which intolerance and discrimination based on religion or belief impact racial discrimination. In this connection, the recommendation of the representative of the Holy See, made during the preparatory process to the Conference against Racism, is very sound: "There is a need to go deeper than historical, cultural, political or social contexts and to identify and understand the spiritual and moral dimensions which underlay the universal human condition and in particular those aspects of it leading to abuses of racial discrimination."

109. The Special Rapporteur of course wishes the necessary resources to be made available to him for the preparation of these studies.

110. As regards defamation of religions, the Commission on Human Rights adopted resolution 1999/82 entitled "Defamation of religions" (see above, paras. 104 and 107), in which it expresses deep concern at negative stereotyping of religions, also expresses deep concern that Islam is frequently and wrongly associated with human rights violations and with terrorism, expresses its concern at the role of the media and calls upon the Special Rapporteur on religious intolerance to take into account the provisions of

the present resolution when reporting to the Commission on Human Rights.

111. The Special Rapporteur shares the Commission's concern about any threat to religions through defamation. As the Commission very rightly pointed out, all religions are or may be affected by this violation. For this reason, as shown in the Special Rapporteur's mission reports [Pakistan (E/CN.4/1996/95/Add.1) and Sudan (A/51/542/Add.2)] and in the information obtained from States regarding their legislation concerning freedom of religion and belief (para. 101 above), most States have incorporated provisions to punish defamation (for example, blasphemy) in their legal, constitutional, legislative and penal systems, on the understanding that there must be a precise definition of this offence, a specific legal system and an appropriate system of proof.

112. This concern was also expressed in intergovernmental regional organizations. For example, in its recommendation 1996 (1999) entitled "Religion and democracy", the Council of Europe stated: "Many conflicts also arise from mutual ignorance, the resulting stereotypes and, ultimately, rejection. In a democratic system, politicians have a duty to prevent a whole religion from being associated with actions carried out for instance by fanatical religious minorities." Similarly, OSCE, at its Supplementary Human Dimension Meeting: Freedom of Religion (Vienna, 22 March 1999) identified in its annotated agenda, in the part entitled "Religious pluralism and limitations on freedom of religion": "Problems encountered by new and minority religions, for example actions that create harmful stereotypes and promote prejudice against religious minorities".

113. The Special Rapporteur has also found that religious, particularly Muslim, minorities were the butt of prejudice and stereotyping. This finding therefore echoes paragraph 2 of resolution 1999/82. In this connection, and in accordance with paragraph 3 of that resolution, the Special Rapporteur has described in his mission reports on Australia (E/CN.4/1998/6/Add.1), Germany (E/CN.4/1998/6/Add.2) and the United States (E/CN.4/1999/58/Add.1) the association of Islam with religious extremism and terrorism found in the media and particularly in the popular press. Recommendations have been made on this subject (see mission reports and para. 102 above).

114. The Special Rapporteur naturally acknowledges the danger represented by the extremism of groups claiming allegiance to Islam. However, it is important to distinguish between such extremists using Islam for political purposes, who are in fact in the minority, and the majority of Muslims practising Islam in accordance with the principles of tolerance and non-discrimination.

115. The Special Rapporteur has also found that non-Muslim religious minorities were victims of defamation, as shown in his reports on missions to Pakistan and to the United States.

116. The Special Rapporteur believes that it is important to indicate that defamation and stereotyping may stem from intolerance and/or inter-religious and also intra-religious ignorance but that they usually exist in the context of an adversarial relationship between majority and minorities.

117. Lastly, it should be emphasized that there are growing problems between traditional majority religions and sects/new religious movements but also between believers and non-believers.

118. The Special Rapporteur also wishes to stress another concern relating to efforts to combat defamation: these should not be used to censure all inter-religious and intra-religious criticism or even as a means of repression against minorities in the area of religion and belief. For example, the legislation on blasphemy in Pakistan is used, principally by extremists, in order to repress the Ahmadi and Christian minorities. By this legislation, the State also forbids Ahmadis to claim allegiance to Islam (see mission report on Pakistan and communications on Pakistan in the general reports). Several other communications from the Special Rapporteur, particularly the one on Bangladesh concerning Taslima Nasreen, illustrate the danger that efforts to combat defamation (particularly blasphemy) may be manipulated for purposes contrary to human rights.

119. Mindful of the concerns which have been expressed by the Commission on Human Rights and which he himself has voiced, the Special Rapporteur will continue to devote special attention to the question of defamation and to formulate recommendations.

B. Initiatives by States and non-governmental organizations

120. The Special Rapporteur wishes to thank Norway and the Holy See for the voluntary contributions made for the fulfilment of his mandate.

121. He welcomes the fact that a number of States are taking the initiative of transmitting to him information relevant to his mandate, particularly Belgium and Egypt this year.

122. The Special Rapporteur also thanks non-governmental organizations for their initiatives, including the organization of conferences on subjects related to freedom of religion and belief, sending of books and all other relevant documentation and sharing of their expertise in specific areas.

V. *In situ* visits and follow-up

123. In accordance with the resolutions of the Commission on Human Rights and of the General Assembly, the Special Rapporteur continued his efforts with respect to *in situ* visits. Two reports issued in 1999 dealt with visits made to the United States of America and Viet Nam during 1998; thus, the Special Rapporteur has carried out 10 missions since his appointment (see table 1 below). He plans to visit Turkey in December 1999. Unfortunately, as shown by table 2, the Governments of four States (Indonesia, Israel, Mauritius and the Russian Federation) which the Special Rapporteur has requested permission to visit (in some cases, as long ago as 1996) still have not replied. The Special Rapporteur has reminded these States of the need for cooperation, as stressed in Commission on Human Rights resolution 1999/39, paragraph 9, which "calls upon all Governments to cooperate fully with the Special Rapporteur on religious intolerance, to respond favourably to requests from the Special Rapporteur to visit their countries and to give serious consideration to inviting the Special Rapporteur to visit so as to enable him to fulfil his mandate even more effectively". In 1999, he addressed requests for *in situ* visits to Argentina, Bangladesh and the Democratic People's Republic of Korea.

124. In addition to his requests for permission to make *in situ* visits and to conduct them in the field, the Special Rapporteur has continued his mission follow-up procedure, established in 1996, in order to elicit comments from States and information concerning measures planned or taken on the basis of the recommendations made in the mission reports. As seen in table 3, follow-up tables were sent to Australia and Germany in 1999; no reply has been received to date. Furthermore, it should be noted that Viet Nam submitted a preliminary reply (E/CN.4/1999/156) to the Special Rapporteur's mission report to the Commission on Human Rights at its most recent session. While awaiting the more detailed reply which the Government has promised to submit, the Special Rapporteur will soon send follow-up tables to both Viet Nam and the United States of America.

Table 1

Country	*Period*	*Report*
China	November 1994	E/CN.4/1995/91
Pakistan	June 1995	E/CN.4/1996/95/Add.1
Iran (Islamic Republic of)	December 1995	E/CN.4/1996/95/Add.2
Greece	June 1996	A/51/542/Add.1
Sudan	September 1996	A/51/542/Add.2
India	December 1996	E/CN.4/1997/91/Add.1
Australia	February-March 1997	E/CN.4/1998/6/Add.1
Germany	September 1997	E/CN.4/1998/6/Add.2
United States of America	January-February 1998	E/CN.4/1999/58/Add.1
Viet Nam	October 1998	E/CN.4/1999/58/Add.2

Table 2

Country	*Date of request*	*Reminders*
Indonesia	1996	X
Mauritius	1996	X
Israel	1997	X
Russian Federation	1998	X
Argentina	1999	
Bangladesh	1999	
Democratic People's Republic of Korea	1999	

125. The Special Rapporteur considers *in situ* visits and follow-up to be one of the best means of gathering information on the situation prevailing in a State and on how far it has progressed in ensuring freedom of religion and belief at the legal, political and de facto levels and within the framework of a balanced examination of gains and deficiencies with regard to the 1981 Declaration. They constitute an impartial, objective instrument for an analysis that will benefit the Special Rapporteur, the State to which the visit was made and all parties concerned, namely, non-governmental organizations (NGOs) and individuals, and especially victims, involving each of them in this process of dialogue, exchange and mutual assistance.

Table 3

Country	*Date of submission of follow-up table*	*Reply*
China	1996; A/51/542	1996; A/51/542
Pakistan	1996; A/51/542	1997; A/52/477/Add.1
Iran (Islamic Republic of)	1996; A/51/542	No reply
Greece	1997; A/52/477/Add.1	1997; E/CN.4/1998/6
Sudan	1997; A/52/477/Add.1	1997; A/52/477/Add.1
India	1997; A/52/477/Add.1	1998; A/53/279
Australia	1998; E/CN.4/1999/58	Reply not yet received
Germany	1998; E/CN.4/1999/58	Reply not yet received

126. This year, the Special Rapporteur decided that in addition to his "traditional" visits, he would visit the major religious communities in order to establish a direct dialogue on the subject of the 1981 Declaration and on all issues relating to freedom of religion or belief and to consider solutions to whatever problems of intolerance and discrimination might arise. In September 1999, the Special Rapporteur will visit the Holy See.

127. The Special Rapporteur also decided to visit the main intergovernmental institutions working directly or indirectly in the area of tolerance and of discrimination based on religion or belief. Accordingly, he visited the headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1999 and decided to strengthen his cooperation with that agency. He also plans to visit the Organization for Security and Cooperation in Europe (OSCE) to discuss arrangements for mutual cooperation.

VI. Conclusions and recommendations

128. A study of the communications sent in the context of this report and of the Special Rapporteur's mission reports for 1999 reveals several general trends: an increase in religious extremism, the continued existence of policies adversely affecting freedom of religion and belief and the persistence of discrimination against women. The Special Rapporteur has tried to trace the development of each of these trends.

A. Religious extremism

129. As in his previous reports, the Special Rapporteur notes the persistence of various types and degrees of Islamic extremism (particularly in Afghanistan, Bangladesh, Indonesia, Niger and Pakistan). However, it is evident that this phenomenon has spread to other religions, as seen by the rise in Hindu extremism directed against Christian and Muslim communities and, potentially, against religious minorities in India and even in Nepal. The Muslim extremism which broke out in Indonesia has also, in some cases, led to violent counter-attacks by Christian extremists. Judaism may also be subjected to distortion in Israel by Jewish extremists. Thus, no religion is free from extremism: it may be inter-religious (directed against religious communities of different faiths), intra-religious (within the same religion and, in particular, between different sects) or even both at once. The most striking example is that of the Taliban, who, in the name of religion, are persecuting not only non-Muslim minorities, but also Muslims: both Afghan Muslim minorities (i.e., the Shiites) and the Muslim majority subject to the Taliban's diktat. The most common victims of the various types of extremism are:

(a) Minorities (both the followers of other religions and different groups within the same religion) are usually the preferred targets of extremists (in, for example, Afghanistan, India, Indonesia, Israel, Niger and Pakistan); of course, this does not preclude potential or actual persecution of the majority;

(b) Women are also a prime target of extremists, whether through discriminatory measures that place them in an inferior position and even (in the case of Afghanistan) deprive them of all rights; or, with increasing frequency, through violence in the form of assault, attempted murder, murder, abduction and, in many cases, rape. Violence against women appears to be extremists' instrument of choice as a means of terrorizing whole communities through, *inter alia*, attacks on women's dignity and on the "honour" of the entire community.

130. In addition, extremism is often practised by non-State entities. These may be groups acting out of pure fanaticism associated with ignorance or obscurantism or extremist religious groups with a deliberate plan to impose their religious interpretation on the whole of society. In most cases, however, they are extremist "professionals" who use religion for political purposes — in other words, in order to seize power. However, it must be acknowledged that these non-State entities do not operate in a vacuum and that in almost every case, they continue to exist and to grow with

the tacit but known support of Governments, including foreign Governments.

131. Lastly, religious extremism should be viewed in the larger context of the economic, social and political conditions that foster it. At the national and international levels, unjust economic, social and political systems which really constitute violations of economic, social, cultural, civil and political rights contribute to the birth and/or nurturing of extremism.

B. Policies adversely affecting freedom of religion and belief

132. The Special Rapporteur notes the persistence of such policies and considers that the following developments at the national level need to be recognized:

(a) State policies against religion and policies designed to control religious matters in the name of a political ideology have continued to decline since the end of the cold war; although they do persist in some countries (China, Democratic People's Republic of Korea, Viet Nam), but in more subtle forms. Officially and publicly, at least, it is no longer a question of eliminating religions originally perceived as superstitions or as "the opium of the people", but rather of recognizing them and permitting their practice, but under the strict control of the authorities. In the circumstances, this constitutes interference with religion that is incompatible with international law. In most cases, such interference takes the form of compelling the clergy and believers to limit their activities to officially-recognized, State-controlled religious groups, places of worship and religious institutions. These policies include, on the one hand, those of States (such as China and Viet Nam) where the limited opportunity for freedom of religion, although it should be expanded in accordance with international law, nevertheless constitutes progress; and, on the other, that of a State (Democratic People's Republic of Korea) which uses a semblance of religion for propaganda purposes abroad;

(b) Authoritarian regimes continue to implement policies of intolerance and discrimination against communities perceived as "the enemy", as "a threat" or as inconsistent with the Government's programme;

(c) Conflicts of a primarily political nature continue to result in policies and practices of intolerance and discrimination against certain ethnic and religious groups (i.e. the Israeli Government's policy with respect to non-Jewish groups in Jerusalem and the Chinese Government's policy in the Tibet Autonomous Region of China);

(d) States which have an official religion or where most of the population belong to the same religion tend to implement discriminatory policies and measures (such as restrictions on religious activities and the manifestations thereof) against religious minorities, including Muslims in many Western, and some African, countries and non-Muslims in several Asian and African countries;

(e) A growing problem common to almost all States is that the policies and measures implemented with respect to sects or new religious movements often involve numerous human rights violations, including refusal to recognize them as religious communities; refusal to allow them to register; barring the members from places of worship; failure to recognize certain of their tenets, such as conscientious objection; and, in some cases, even arrest, detention and other punishments. Many of the communications received by the Special Rapporteur involve the countries of Eastern Europe, where large numbers of such groups have emerged since the end of the cold war and are in direct competition with the so-called "traditional" religions which hope to resume the role that they played prior to the establishment of the socialist bloc, not only in society but also in the Government. However, this is also a problem in Western Europe, where several parliamentary commissions of enquiry have been established. On the other continents, Governments sometimes react with extreme severity. For example, in Pakistan, the Ahmadis claim to be Muslims but are considered a sect by the authorities, which categorically reject this claim and punish them severely, whereas in China, members of the Falun Gong have been arrested.

C. Discrimination attributed to religion and affecting women

133. In the context of the communications transmitted by the Special Rapporteur, such discrimination relates to legislation, civil status texts and their interpretation, tradition, intolerance often through ignorance on the part of society, and so-called religious extremism.

134. As regards legislation, most of the discrimination derives from the requirement that women receive the authorization of men to obtain a passport and to travel abroad (Gabon, Kuwait, Saudi Arabia, Yemen). In Saudi Arabia, such freedom of movement appears to be restricted, even non-existent, given that a woman going abroad to study has to be accompanied by a family member, that women are prohibited from driving motor vehicles and that access to buses and public facilities is subject to segregation. Legislation may also discriminate in favour of men in

divorce proceedings (Bangladesh, Brunei Darussalam), custody of children (Brunei Darussalam) and testimony, the evidence of one man being equivalent to that of two women (Kuwait, Saudi Arabia). In Kuwait a Muslim woman would not be allowed to marry a non-Muslim. Lastly, legislation may require that women be dressed in a certain way. The most manifest and insidious case in which women are deprived totally of their rights results from legislation which recognizes the transmission of citizenship to children only through the male line.

135. The interpretation by the courts of civil status texts relating principally to the family (marriage, divorce, etc.) also appears to affect women in many instances by placing them in an unfavourable situation, whether they are Muslim (India, Israel, Kuwait), non-Muslim, Jewish (Israel) or Christian (India, Malaysia).

136. Traditions attributable to religion are very often an obstacle to the implementation of legislation that treats women more fairly. Accordingly, in India the legally prohibited suttee and dowry traditions persist in some rural areas. In Djibouti the prior consent of a man for any travel abroad by a woman appears to be maintained by tradition, while in Turkmenistan the religious authorities seem to invoke tradition in order to instil in their followers an archaic perception of women.

137. Society can be a source of intolerance principally because, through ignorance or obscurantism, certain discriminatory attitudes towards women are associated with religious precepts. In Pakistan, for example, a woman who has converted to Christianity may find herself ostracized and rejected by society.

138. Women are the prime target of the evil known as religious extremism. The State's responsibility to eradicate violations in this field is established in international law and must be fully exercised.

139. To sum up, despite some limited progress in matters of freedom of religion and belief, especially since the end of the cold war, the Special Rapporteur finds not only that manifestations of intolerance and discrimination based on religion and belief persist but also that religious extremism is on the rise. Apart from society in general, persons particularly affected are women and those professing a minority religion or belief.

140. The Special Rapporteur believes, that in order to deal with the above situation, it is essential to focus on prevention, while, of course, maintaining ongoing measures to counter current violations.

141. As the Special Rapporteur has stressed, preventive action should focus chiefly, although not exclusively, on education. It will be recalled that the Commission on Human Rights in resolution 1999/39 on the mandate of the Special Rapporteur urged States to promote and encourage, through education and other means, understanding, tolerance and respect in matters relating to freedom of religion or belief.

142. The Special Rapporteur is therefore continuing his project for the formulation of an international educational strategy to prevent all forms of intolerance and discrimination based on religion or belief, the matrix of which would be the organization in November 2001 of an international consultative conference on the content of curricula and textbooks for primary or elementary and secondary educational institutions with respect to freedom of religion and belief.

143. Prevention through education can also address the current evils of religious extremism and acts of discrimination and intolerance directed specifically at women and minorities.

144. Religious extremism, it must be stressed, spares no society and no religion. It is a perversion of religious faith and an insult to the intelligence of a human being. To tolerate this growing phenomenon is akin to tolerating the intolerable. It is therefore essential that States join with the international community in condemning it without ambivalence and combating it without compromise. Such an effort must undoubtedly include preventive action, especially through education. The initiatives of Egypt in this regard are extremely noteworthy and include books on tolerance for children and adolescents and the modernization of centres for consciousness-raising, training and further training whose purpose is to ensure integration in society and hence to combat all acts of exclusion and erection of barriers, the favourite devices of extremism.

145. Women's actual status from the standpoint of religion, or of the traditions, practices and policies based on or attributed to religion, represents a problem which must be tackled. The preparation of a plan of action combining both prevention, for example through education, and measures to combat discrimination must be initiated as soon as possible, including through the organization of a seminar on the status of women from the standpoint of religion and human rights, as the Special Rapporteur suggested earlier.

146. As regards minorities, it will be recalled that the Commission on Human Rights, in resolution 1999/39, expressed its deep concern at the increase in the violence and discrimination against religious minorities, including restrictive legislation and arbitrary application of legislative

and other measures. The Commission urged States, in conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities. In addition to prevention through the elaboration of an international educational strategy to combat all forms of intolerance and discrimination based on religion or belief, which would of course address the question of religious minorities, the Special Rapporteur wishes to underline the vital role played by the Working Group on Minorities (of the Subcommission on the Promotion and Protection of Human Rights) in the consideration of the promotion and observance of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the exploration of possible solutions to problems affecting minorities and the formulation of recommendations for the adoption of new measures to ensure the promotion and protection of their rights. The Special Rapporteur might want to contact the Working Group in order to consider possible avenues of cooperation in such matters as seeking solutions for acts of discrimination and intolerance affecting religious minorities.

147. Where sects or new religious movements are concerned, the Special Rapporteur considers that the time has come to initiate appropriate methods for examining this question calmly, without emotion and without bias, in such a way as to ensure that freedom of religion and belief is not manipulated and is permitted to serve the purpose which justified its legal consecration and protection, and to serve that purpose alone. As "sects" or "new religious movements" do sometimes commit abuse, the authorities are right to be concerned and it is their duty to take action to enforce the law. This duty must lead to the application of penal law, and even its improvement, in order to penalize any abuse of property or person. This does not mean that the State should conduct a witch-hunt which would breed intolerance and discrimination and would contravene international law. Education can also play a vital role in relation to such abuse. As Danièle Hervieux-Léger, the sociologist, stated, the best remedy is common sense, discernment and the inculcation of a critical spirit. The Special Rapporteur reiterates his recommendation for a comprehensive study of the question (with the caveat that "sect" and "new religious movement" both cause difficulties in that they lump together various situations, thereby resisting serious analysis).

148. As regards all the problems discussed above (religious extremism, policies affecting freedom of religion and belief, discrimination attributed to religion and affecting women), the Special Rapporteur is of the opinion that religions are very often taken advantage of. It is therefore important to promote further the role which religions can play in conflict prevention and resolution and in reconciliation. In this regard, the Special Rapporteur welcomes the initiative taken in July 1999 by 40 representatives of the Orthodox, Catholic, Protestant, Muslim and Jewish religions to ensure the participation of religions in the dialogue and peace effort in the Balkans. In their final declaration, these religious leaders undertook to promote or encourage every effort to promote education, tolerance and social justice and to combat discrimination.

149. Manifestations of racism, racial discrimination, xenophobia and intolerance may overlap with manifestations of intolerance and discrimination based on religion and conviction. As requested by the Commission on Human Rights, the Special Rapporteur, in his contribution to the World Conference against Racism, should be able to help identify solutions designed to prevent and eradicate such evils.

150. In accordance with the principle of interdependence of human rights, any action to promote tolerance and non-discrimination is intrinsically interrelated with action to promote democracy and development.

151. The effectiveness of activities to combat and prevent every kind of violation and abuse against freedom of religion and belief requires the following changes.

152. As regards the change in the title of his mandate, the Special Rapporteur is gratified that the Commission on Human Rights, in resolution 1999/39, noted "the request of the Special Rapporteur to change his title from Special Rapporteur on religious intolerance to Special Rapporteur on freedom of religion or belief" and decided "to consider, at its fifty-sixth session, changing the title". The Special Rapporteur very much hopes that this change will be approved in order to lend more weight to his mandate while maintaining his function in relation to incidents and governmental measures incompatible with the 1981 Declaration, to take account of the content of resolutions which concern him and to give freedom of religion and belief the scope it deserves.

153. The strengthening of the human and material resources made available to the Special Rapporteur is required not only for him to discharge the many daily activities of the office (communications, *in situ* visits, reports, consultations with international organizations, States and non-governmental organizations, participation in conferences, etc.) but also for the implementation of his recommendations, including the preparation of studies, the establishment of an international

compendium of enactments, the creation of an Internet site on the 1981 Declaration (including legal and factual data banks on all States), the drafting of reports on all States and all religions and beliefs, together with an analysis of their economic, social, cultural, civil and political contexts. Lastly, the Special Rapporteur considers that preparations should be made for the twentieth anniversary of the 1981 Declaration on 25 November 2001. It is proposed that States give the name of tolerance to streets, squares and public buildings, place artistic plaques in public places bearing the text of the Declaration, and include the Declaration in civic and religious educational curricula, especially at the primary and secondary levels of education.